

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of
Hugo Orlando
Respondent

Civil Citation No. 56511
7804 Liberty Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on April 14, 2009, for a hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 428 for illegal parking/storage of an unlicensed vehicle on the premises that is in a residential area; Baltimore County Code (BCC) section 13-7-112, 115, 310, 312, failure to keep exterior grounds clean of trash/debris, section 13-4-201, failure to store solid waste in containers with tight fitting lids on residential property zoned DR 5.5 known as 7804 Liberty Road, 21244.

On March 20, 2009, pursuant to §3-6-205, Baltimore County Code, Code Enforcement Officer, issued a code enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$4,600.00 (four thousand six hundred dollars).

The following persons appeared for the Hearing and testified: the Respondent, Hugo Orlando and Paul Cohen, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on February 26, 2009 for removal of an untagged vehicle and cleanup of junk, trash and debris and failure to use trash containers with tight fitting lids. This Citation was issued on March 20, 2009 for improper storage of an unlicensed vehicle on the property, failure to keep the property clean of trash and debris, and failure to store solid waste in containers with tight fitting lids. Photographs in the file show cans overflowing with bagged garbage, a car without license plate, a pile of discarded sections of wooden fencing, and a junk pile including tires, metal ductwork, and bagged trash. Photographs also show bagged cans and a box of bottles.

B. Re-inspection on April 13 showed some improvement. The vehicle has been removed. However photographs show a large new pile of junk and debris.

C. Respondent Orlando testified that he is doing renovations in the house, and testified that he keeps the yard tidy. He further testified that the cans and bottles are being stored for recycling.

D. County law requires proper storage of junk, trash and debris at all times. Open dump conditions are prohibited. Debris generated by the renovation work must be taken promptly to the dump, or stored properly if it is kept on Respondent's property.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$50.00 (fifty dollars) if all junk, trash and debris are removed from the property by April 27, 2009. If the Respondent fails to correct the violations by that date, the full \$500.00 (five hundred dollars) civil penalty will be imposed.

IT IS FURTHER ORDERED that the civil penalty shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 17th day of April 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150.00 and the posting of security to satisfy the penalty assessed.